

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BETTA PRODUCTS INC, and DANA  
MCCURNIN,

Plaintiffs

v.

RICHARD SHINDLE.,

Defendant.

No. C 06-02417 CRB

**ORDER VACATING DISMISSAL  
AND DIRECTING PLAINTIFFS TO  
SHOW CAUSE**

Now pending before the Court is plaintiffs' motion to vacate the Court's May 5, 2008 dismissal of this action for a failure to prosecute. Plaintiffs' motion to vacate is GRANTED. Nonetheless, plaintiffs are ORDERED TO SHOW CAUSE why this action should not be dismissed for their failure to prosecute. In deciding whether dismissal is appropriate, the Court will consider all of the parties' submissions to date. To the extent a party wishes the Court to consider any additional evidence or written argument, such material shall be filed on or before noon on Thursday, June 19, 2008. The Court will hear oral argument at 10:00 a.m. on Friday, June 20, 2008—the time plaintiffs noticed for their motion to vacate.

**IT IS SO ORDERED.**

Dated: June 17, 2008



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
For the Northern District of California

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